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Docket No. DEP-610  
#71/Deel.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nycz, Jeffrey, et al

Serial No. : 10/082,957

Art Unit: 3732

Filed : February 26, 2002

Examiner: Anuradha Ramana

For: ACETABULAR COMPONENT WITH REMOVABLE SCREW HOLE PLUGS

I hereby certify that this correspondence is being deposited with the  
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July 11, 2003

(Date)

John S. Wagley

Name of applicant, assignee, or Registered Representative

*John S. Wagley*  
(Signature)

July 11, 2003

(Date of Signature)

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Commissioner for Patents  
P.O. Box 1450  
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DECLARATION OF MICHAEL JONES UNDER 37 C.F.R. § 1.132

I, Michael Jones, declare as follows:

1. I am the inventor of the above identified application. I  
make this declaration in connection with an Amendment in response

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to a March 12, 2003 Office Action which I understand is being submitted herewith. That Amendment adds "said cup having spaced apart concave and convex surfaces, said cup further having a wall and a bottom defining a recess extending from one of the concave and convex surfaces, the bottom being defined by a substantially planar surface extending over substantially all of the bottom" to independent claim 1, adds "said cup having spaced apart concave and convex surfaces, said cup further having a wall and a bottom defining a recess extending from one of the concave and convex surfaces, the wall defining a void in said cup having a constant cross section from one of the concave and convex surfaces to the bottom, a portion of said cup adjacent the recess having a reduced thickness" to independent claim 10, adds "said cup having spaced apart concave and convex surfaces, said cup further having a first wall and a first bottom defining a first recess extending from one of the concave and convex surfaces, said cup further having a second wall and a second bottom defining a second recess extending from the other of one of the concave and convex surfaces, the first bottom and the second bottom being substantially planar and spaced apart from each other, a portion of said cup adjacent the recess having a reduced thickness" to independent claim 15 and

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adds "providing a cup having spaced apart concave and convex surfaces, the cup further having a wall and a bottom defining a recess extending from one of the concave and convex surfaces, the bottom being defined by a substantially planar surface extending over substantially all of the bottom; providing a punch; and removing one of the mounting portions by placing the punch against the bottom of the recess and advancing the punch to form an opening through the cup" to independent claim 20.

2. I believe that the hip cup in US Patent 5,370,702 to Jones suggests the use of pliers to bend the plugs back and forth until they fatigue and break off the cup. I believe that such a fatiguing process is time consuming and unpredictable. I believe that such a fatiguing process may result in the coating on such a hip cup to peel from the cup surface. I believe that the plugs would either need to be extremely thin or perforated to be easily removed by the fatiguing process and may, if thin or perforated, permit synovial fluid to leak thru the cup.

3. I believe that the use of a punch to remove the plugs from a hip cup with recesses is highly preferred in that a burr free

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hole may be provided quickly and easily. I have personally observed the use of a punch to remove the plugs by the testing of sample parts made using the design of the hole disclosed in this application. Burr free holes were quickly and easily made in these sample parts using a punch.

4. I believe that the use of cups with a bottom defined by a substantially planar surface extending over substantially all of the bottom of the recess as claimed in amended claim 1 of the application is beneficial in providing an easily punched cup.

5. I believe that the use of cup with a constant cross section from the said one of the concave and convex surfaces to the bottom as claimed in amended claim 10 of the application is beneficial in providing an easily punched cup.

6. I believe that the use of cup with the first bottom and the second bottom being substantially planar and spaced apart from each other as claimed in amended claim 15 of the application is beneficial in providing an easily punched cup.

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7. I believe that a method including the step of providing a punch and removing at least a portion of one of the mounting portions by placing the punch against the bottom of the recess and advancing the punch to form an opening through the cup of the recess as claimed in amended claim 20 of the application is beneficial in providing an easily punched cup.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

7/11/03

(date)

Michael Jones

Michael Jones